

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7645**

**BILL NUMBER:** HB 1589

**NOTE PREPARED:** Jan 5, 2005

**BILL AMENDED:**

**SUBJECT:** Improper Care of a Dependent.

**FIRST AUTHOR:** Rep. Pelath

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a person having the care of a dependent and who recklessly places the dependent in a situation that jeopardizes the dependent's life or health commits improper care of a dependent, a Class C infraction. The bill makes the offense a Class C misdemeanor for a second or subsequent offense.

The bill also provides that an employee of a local child protection services agency (employee) may issue complaints and summonses for a violation of the improper care of a dependent statute. It also establishes qualifications that an employee must meet to be appointed to issue complaints and summonses. The bill specifies that an employee does not have powers of a law enforcement officer except those needed to enforce the laws concerning the improper care of a dependent statute.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** See *Explanation of Local Expenditures* regarding local child protection services employees, who are state employees.

**Explanation of State Revenues:** The bill makes it a Class C infraction for a person having the care of a dependent to recklessly place the dependent in a situation that jeopardized the defendant's life or health. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund.

The bill also makes it a Class C misdemeanor for a person to commit a second or subsequent offense. The maximum fine for a Class C misdemeanor is \$500, which would be deposited into the Common School Fund.

If additional court cases occur and fines are collected, revenue to the state General Fund from court fees would increase.

**Explanation of Local Expenditures:** This bill allows a local law enforcement agency to appoint an employee of a local child protection services agency to issue complaints and summonses for committing neglect of a dependent. If local law enforcement agencies choose to appoint an employee, they would likely experience a small decrease in workload. This decrease in workload would be shifted to, and increase, the workload of the appointed child protection service employee.

Under the bill, to issue complaints and summonses, a volunteer must complete a course of instruction and obtain a certificate from the executive authority of the appointing law enforcement agency, among other requirements. There are no data available to estimate the cost to a local unit of government for these courses or certification, and the costs may vary by area.

*Penalty Provision:* A Class C misdemeanor is punishable by up to 60 days in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees.

**State Agencies Affected:** Family and Social Services Administration.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Sarah Brooks, 317-232-9559.